

Chairperson Scott Hickle
Vice-Chairperson Bobby Gutierrez
Parliamentarian Nancy Hardeman



Commissioners
Leo Gonzalez
Kyle Incardona
Kevin Krolczyk
Prentiss Madison
Robert Swearingen

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, SEPTEMBER 17, 2015 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

1. CALL TO ORDER.

Chairperson Hickle called the meeting to order at 6:07 p.m.

Commissioners	Present	2015 Regular Meetings Held	2015 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Leo Gonzalez	N	14	9	11	7
Bobby Gutierrez	Y	14	14	11	11
Nancy Hardeman	Y	14	11	11	8
Scott Hickle	Y	14	12	11	9
Kyle Incardona	Y	14	11	11	9
Kevin Krolczyk	Y	14	14	11	11
Prentiss Madison	Y	14	12	11	10
Robert Swearingen	Y	14	12	11	9

Staff members present: Ms. Janis Hampton, City Attorney; Ms. Megan Hancock, Staff Assistant; Mr. Matthew Hilgemeier, Staff Planner; Mrs. Stephanie Doland, Staff Planner; Mr. Randy Haynes, Staff Planner; Mr. Johnnie Price, Assistant City Engineer; Mr. Cody Cravatt, Development Manager; and Mr. Paul Kaspar, City Engineer.

2. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG.

Chairperson Hickle led the pledge.

3. HEAR CITIZENS.

No citizens came forward.

4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

Ms. Janis Hampton, City Attorney, advised that 3 affidavits have been filed. Commissioner Madison has filed an affidavit for regular agenda item 8.b. and that will not participate in discussion and voting on the conditional use request. Commissioner Swearingen has filed affidavits for regular agenda items 7.a. and 8.a. and will not participate in discussion and voting on the conditional use and planning variance request.

5. CONSENT AGENDA.

a. Approval of minutes from the workshop and regular meetings on September 3, 2015.

b. Final Plat FP15-02: Messina Hof Estates

Proposed Final Plat of the Messina Hof Estates Subdivision, being 35.62 acres of land adjoining the east side of Old Reliance Road, at the northeast corner of the intersection of Old Reliance Road and Merka Road in Bryan's eastern extraterritorial jurisdiction, Brazos County, Texas (M. Hilgemeier)

c. Final Plat FP15-25: Wixon Creek Estates

Proposed Final Plat of the Wixon Creek Estates Subdivision, being 11.00 acres of land located at the southwest corner of the intersection of Andert Road and Old Reliance Road, in Bryan's eastern extraterritorial jurisdiction (ETJ), Brazos County, Texas (M. Hilgemeier)

Commissioner Gutierrez moved to approve the Consent Agenda. Commissioner Madison seconded the motion and the motion passed unanimously.

6. REQUESTS FOR APPROVAL OF REPLATS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval).

a. Replat RP15-03: proposed Replat of Lots 1 - 3 in Block 1 of Austin's Colony, Phase 6

Proposed Replat of Lots 1 - 3 in Block 1 of Austin's Colony, Phase 6, being a total of 1.560 acres of land located generally southeast of the intersection of William's Trace Drive and Austin's Colony Parkway, Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approved Replat RP15-03, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Chairperson Hickle seconded the motion.

The motion passed unanimously.

b. Replat RP15-22: proposed Replat of Lots 16 - 17 & 0.17 acres of common area, The Traditions, Phases 20a and 20b

Proposed Replat of Lots 16 - 17 & 0.17 acres of common area, The Traditions, Phases 20a and 20b, being a total of 0.644 acres of land located generally southwest of the intersection of Boxelder Drive and Blue Belle Drive, in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approved Replat RP15-22, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Chairperson Hickle seconded the motion.

The motion passed unanimously.

c. Replat RP15-29: proposed Replat of Lots 1-9 in Block 123 of the Bryan Original Townsite Subdivision

Proposed Replat of Lots 1 thru 9 in Block 123 of the Bryan Original Townsite into Lots 1-R through 6-R; being a total of 1.435 acres of land located at the southwest corner of the intersection of North Bryan Avenue and West 22nd Street, in Bryan, Brazos County, Texas. (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Services Department). Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Swearingen moved to approved Replat RP15-29, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Gutierrez seconded the motion.

The motion passed unanimously.

7. REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; appeals may be directed to City Council).

a. Conditional Use Permit CU15-10: Cody Hall

A request for approval of a Conditional Use Permit, to allow mini-warehouse/self-storage facilities and trailer/truck rentals on property in a Retail (C-2) zoning district, specifically on 10.58 acres of vacant land out of the Marie Kegan Survey, A-28, currently addressed as 10099 State Highway 30 and adjoining the northeast side of State Highway 30, approximately two-tenths of a mile southeast from its intersection with Elmo Weedon Road, in Bryan, Brazos County, Texas. (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to questions, Mr. Haynes responded:

- Comprehensive Plan shows commercial use intended on this section of roadway
- truck and trailer rental refers to “U-Haul” type rentals which would be located at the back of the property
- ordinance requires landscaping in the front and sides of the property, rather than at the back of the property; and
- the Commission can impose additional landscaping conditions on the conditional use permit should they so desire.

Commissioner Hardeman stated that a letter in opposition of the request had been received.

The public hearing was opened.

Mr. Larry Purifoy, 9912 Hunters Run, College Station, Texas, Ms. Carol Huff, 2376 W Briargate, Bryan, Texas, Ms. Vickie Gresham, 9960 Hunters Run, Ms. Kay Purifoy, 9912 Hunters Run, College Station, Texas, Ms. Joan Christian, 9948 Hunters Run, Bryan, Texas, came forward to speak in opposition to the request. Stated concerns were:

- possibility of an endangered species and various types of wildlife living on the land in question
- lighting and drainage issues
- the image and direction of this important corridor
- a possibly endangered species of Texas Tortoise living on the land in question
- noise, fencing and lighting concerns.

Mr. Joe Gattis with Gattis Engineering, 2010 Moses Creek Court, College Station, Texas, project engineer, stated he did research regarding the Texas Tortoise. They found that it was threatened and not endangered.

In response to a question from Chairperson Hickle, Mr. Haynes detailed the City’s notification process. He stated that although properties outside the city limits are not zoned, owners of property located within 200 feet of a request are still notified of a request. Affidavits are filed which prove notifications have been mailed for each case. He also stated that 14 property owners were notified for this case.

In response to a question from the Commission, Mr. Gattis, project engineer, stated that low impact lighting will be used. The lighting will face away from the residential areas. He also stated that the detention pond has not been designed at this time but will control all runoff from this property.

Mr. Cody Hall, 2704 Boonville Road, Bryan, Texas, applicant, stated he has a proven track record of running a quality storage facility at a previous location. He also stated he is willing to work with adjacent homeowners and would like to maintain a good relationship with the community.

The public hearing was closed.

In response to questions, Mr. Haynes stated

- lighting in existing self-storage location on Boonville Road has not been an issue for nearby residents.
- reasonable conditions can be included with a conditional use permit approval but those should be specific.
- only the portion of the building that will be located in the overlay district will be brick.

In response to a question, Mr. Hall stated that the facility can be accessed at all hours of the day with access codes, however, there is much less traffic than would be expected in a restaurant or nightclub setting.

Chairperson Hickle moved to approve Conditional Use Permit CU15-10, as requested, subject to the following conditions:

- 1. That display of rental truck or trailer units shall not be permitted within sight of SH-30.**
- 2. That a site plan generally in compliance with the submitted conceptual plan fulfilling all the technical requirements for development of a mini-warehouse/self-storage facility and truck/trailer rental business on the subject property shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any new building permits are issued.**
- 3. That a row of large canopy trees with a minimum of 8 inch caliper be installed along the northern edge between the detention pond and the boundary of the property.**

and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Madison seconded the motion.

Mr. Haynes stated he was in favor of the idea of planting trees but the standard tree size is 1.5 inches to 3 inches. He also mentioned that if 8 inch caliper trees are available, they would be may be less hardy and very expensive.

Chairperson Hickle stated he would like to amend his motion to reduce the caliper to a size that is appropriate.

Mrs. Janis Hampton, City Attorney, suggested withdrawing original motion rather than amending current motion.

Chairperson Hickle moved to withdraw current motion; Commissioner Madison withdrew his second.

Chairperson Hickle moved to approve Conditional Use Permit CU15-10, as requested, subject to the following conditions:

1. That display of rental truck or trailer units shall not be permitted within sight of SH-30.
2. That a site plan generally in compliance with the submitted conceptual plan fulfilling all the technical requirements for development of a mini-warehouse/self-storage facility and truck/trailer rental business on the subject property shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any new building permits are issued.
3. That a row of trees be installed with a caliper to be determined by the Site Development Review Committee, along the northern edge between the detention pond and the boundary of the property

and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission. Commissioner Madison seconded the motion.

Commissioners discussed

- The property owner should develop good relationships with neighboring property owners.
- Development was to be expected on this property and the requested use is desirable compared to other options allowed by right; and
- The threatened Texas Tortoise, if currently located on the property, would have been present while previous residential construction occurred in the area.

The motion passed with a vote of 6 in favor and none in opposition with Commissioner Robert Swearingen abstaining from deliberation and voting on this item due to a conflict of interest.

b. Conditional Use Permit CU15-12: Ellis Gerall

A request for approval of a Conditional Use Permit, to allow a fraternity house on property in an Agricultural – Open (A-O) district, specifically on 7.139 acres of vacant land in the J. M. Webb League, Tract 6, currently addressed as 3730 Sandy Point Road and adjoining the north side of Sandy Point Road between Hilton Road and Lee Morrison Lane in Bryan, Brazos County, Texas (S. Killam)

Ms. Doland presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

The public hearing was opened.

Mr. Stephen Rotsch, 3960 Sandy Point Road, Bryan, Texas, nearby property owner, spoke in opposition to the request citing his concerns regarding total number of members, affiliation and history of this fraternity. He questioned parking requirements and number of occupants. Mr. Rotsch also stated that increased traffic, noise and existing drainage problems were issues to consider.

Mr. Ellis Gerall, 2510 Southwick, Houston, Texas, applicant, stated current fraternity home is located on 5 acres and that this property is 7 acres in size. He also stated that the property will be well kept and everything will be constructed up to code.

Ms. Dawn Johnson, 2200 North FM 3083 West, Conroe, Texas, realtor of Mr. Gerall, questioned the possibility of constructing additional structures and stated the fraternity was allowed by conditional use in an area zoned Agricultural – Open District.

Chairperson Hickle questioned the reasoning behind the applicant requesting conditional use permit approval and not requesting a rezoning of the property from Agricultural Open (A-O) to Commercial District (C-3) as fraternities are allowed by right in an area zoned Commercial (C-3).

In response to Chairperson Hickle, Ms. Doland stated that there are residential properties in the area and if the property were to be rezoned and the fraternity were to vacate the property, any business allowed in an area zoned Commercial (C-3) would be allowed by right also.

In response to questions from Mrs. Johnson, Ms. Doland stated that if additional structures were to be constructed, it would require another conditional use approval.

In response to a question, Mrs. Doland stated the property has not been represented on a subdivision plat at this time.

The public hearing was closed.

Commissioner Incardona moved to deny Conditional Use Permit CU15-12. The motion was seconded by Commissioner Krolczyk.

Commissioners discussed

- adequate parking will be available based on the size of the property.
- the possibility of suggesting two parking spaces per bedroom.
- not a densely populated area which is ideal for a fraternity house; and
- the fact than an existing club/rodeo facility is located nearby.

The motion to deny failed with a vote of 1 in favor and 6 in opposition, with Commissioner Incardona casting his vote in favor of denying the request.

Commissioner Gutierrez moved to approve Conditional Use Permit CU15-12, as requested, subject to the following conditions:

- 1. That the applicant submits for SDRC review and approval prior to a building permit being issued:**
 - a. preliminary plan and final plat; and**
 - b. full site plan of the proposed development**
 - c.**
- 2. That a minimum of two parking spaces per bedroom in the fraternity home be installed.**
- 3. That no parking be allowed along Sandy Point Road in front of the property.**

and to adopt the written staff report and analysis as the report, findings, and evaluation of this Commission with

Commissioner Madison seconded the motion.

Commissioners discussed

- the concerns of the nearby property owners; and
- the fact that rezoning the property would allow other uses by right.

The motion passed unanimously.

8. REQUESTS FOR APPROVAL OF VARIANCE TO STANDARDS OF ARTICLE IV (BUILDING SETBACKS AND LOT STANDARDS) OF THE LAND AND SITE DEVELOPMENT ORDINANCE (BRYAN CODE OF ORDINANCES CHAPTER 62) – A PUBLIC HEARING WILL BE HELD FOR EACH ITEM (Commission has final approval; applicants may direct appeals to City Council).

a. Planning Variance PV15-08: David Cantey

A request for approval of a variance from the minimum 7.5-foot side building setback that is generally required from side property lines on residential home sites, to allow the proposed construction of an open carport that is planned to extend within 2 feet from the southeast side property line on property at 2915 Missouri Avenue, located at the east corner of Missouri Avenue and Russell Drive, being Lot 8 in Block 24 of The Lynndale Acres Subdivision – Phase 2 in Bryan, Brazos County, Texas (M. Hilgemeier)

Mr. Hilgemeier presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to a question, Mr. Hilgemeier stated that the house was built in 1981 prior to the adoption of zoning regulations in 1989.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Incardona moved to approve Planning Variance PV15-08, as requested, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. Commissioner Krolczyk seconded the motion. The motion passed with a vote of 6 in favor and none in opposition with Commissioner Robert Swearingen abstaining from deliberation and voting on this item due to a conflict of interest.

b. Planning Variance PV15-09: Prentiss Madison

A request for approval of a 10-foot variance from the minimum 15-foot street side building setback generally required on residential home sites where a side property line adjoins a local street, to allow the proposed construction of a new single-family home proposed to extend within 5 feet from Columbus Avenue right-of-way, on property at 1105 Columbus Avenue at the south corner of Columbus Avenue and W. 16th Street, being Lot 10 in Block 2 of the Sunset Addition – Phase 2 Subdivision in Bryan, Brazos County, Texas (R. Haynes)

Mr. Haynes presented the staff report (on file in the Development Service Department). Staff recommends approval of the request.

In response to a question, Mr. Haynes stated that, previously, a mobile home was located on the lot and the property owner is now planning to construct a site built detached single-family home.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Gutierrez moved to approve Planning Variance PV15-09, as requested, and to adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based. The motion passed with a vote of 6 in favor and none in opposition with Commissioner Prentiss Madison abstaining from deliberation and voting on this item due to a conflict of interest.

9. ADJOURN.

Without objection, Chairperson Hickle adjourned the meeting at 7:52 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 1st day of **October, 2015**.

Scott Hickle, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, AICP
Planning Manager and Secretary to the
Planning and Zoning Commission